

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

"AMENDED COMPLAINT"

Derrick Teague #16-A-2967,

Plaintiff(s),

v.

DEPARTMENT OF Corrections, and
Community Supervision--Mid-State C.F.,
Defendant(s).

COMPLAINT
(Pro Se Prisoner)

Case No. 9:21-cv-960 (GLS/ATB)
(Assigned by Clerk's
Office upon filing)

Jury Demand

☒ Yes
☐ No

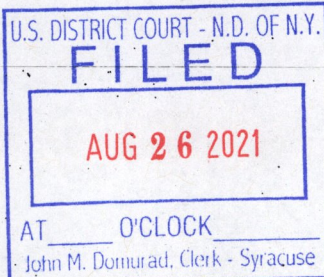
NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's social security number, taxpayer identification number, or birth date; the name of a person known to be a minor; or a financial account number. A filing may include *only*: the last four digits of a social security number or taxpayer-identification number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Fed. R. Civ. P. 5.2.

I. LEGAL BASIS FOR COMPLAINT

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution and laws of the United States. Indicate below the federal basis for your claims.

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)
☐ *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971)
(federal defendants)
☐ Other (please specify) _____



II. PLAINTIFF(S) INFORMATION

Name: Derrick Teague # 16-A-2967
 Prisoner ID #: 16-A-2967
 Place of detention: Collins Correctional Facility
 Address: PO BOX 340
Collins, New York 14034-0340

Indicate your confinement status when the alleged wrongdoing occurred:

- ☐ Pretrial detainee
☐ Civilly committed detainee
☒ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☐ Immigration detainee

Provide any other names by which you are or have been known and any other identification numbers associated with prior periods of incarceration:

If there are additional plaintiffs, each person must provide all of the information requested in this section and must sign the complaint; additional sheets of paper may be used and attached to this complaint.

III. DEFENDANT(S) INFORMATION

Defendant No. 1: Kathy L. Mullen--Correctional Officer
 Name (Last, First)
Correctional Officer
 Job Title
Mid-State Correctional Facility-900 River Rd. Po Box 216
 Work Address
Marcy New York 13403-0216
 City State Zip Code
 Defendant No. 2: Robert J. Sexton
 Name (Last, First)
Correctional Officer
 Job Title

Mid-State Correctional Facility
9005 Old River RD. PO BOX 216

Work Address

Marcy	New York	13403-0216
City	State	Zip Code

Defendant No. 3:

Robert Ingraham

Name (Last, First)

Correctional Officer

Job Title

Mid-State Correctional Facility
9005 Old River RD. PO BOX 216

Work Address

Marcy	New York	13403-0216
City	State	Zip Code

Defendant No. 4:

S. O'Donnell

Name (Last, First)

Correctional Officer

Job Title

Mid-State Correctional Facility
9005 Old River RD. PO BOX 216

Work Address

Marcy	New York	13403-0216
City	State	Zip Code

If there are additional defendants, the information requested in this section must be provided for each person; additional sheets of paper may be used and attached to this complaint.

IV. STATEMENT OF FACTS

State briefly and concisely the facts supporting your claims. Describe the events in the order they happened. Your statement of facts should include the following:

- The date(s) on which the events occurred
- Where these events took place (identify the facility and, if relevant, the specific location in the facility)

XX

~~Work Address~~

XX

~~City~~

~~State~~

~~Zip Code~~

Defendant No. 1.5

J. Booth

Name (Last, First)

Correctional Officer

Job Title

Mid-State Correctional Facility
9005 Old River RD PO BOX 216

Work Address

Marcy

New York

13403-0216

City

State

Zip Code

Defendant No. 4.6

LT. Hoke

Name (Last, First)

Lutenant

Job Title

Mid-State Correctional Facility
9005 Old River RD PO BOX 216

Work Address

Marcy

New York

13403-0216

City

State

Zip Code

City

State

~~Zip Code~~

Captain M. Spina

Name (Last, First)

Captain

Job Title

Job Title Mid-State Correctional Facility
9005 Old River RD PO BOX 216

Work Address

Marcy

New York

13403-0216

City

State

Zip Code

N. Chapple

Name (Last, First) Mid-State Correctional Facility

9005 Old River RD PO BOX 216

Job Title

correctional Officer

Work Address

Marcy

New York 13403-0216

City

State

Zip Code _____

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Work Address

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

City	State	Zip Code
M.A. Kuzmack		

Defendant No. 9

Name (Last, First)

Lieutenant

Job Title	Address
Mid-State Correctional Facility	9005 Old River RD BOX 216

Work Address

Marcy	New York	13403-0216
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City	State	Zip Code
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L. Jones

Defendant No. 10

Name (Last, First)

Superintendent

Job Title	Address
Mid-State Correctional Facility	9005 Old River RD PO BOX 216

Work Address

Marcy	New York	13403-0216
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City	State	Zip Code
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Defendant No. 11

~~Work Address~~

XX

~~City~~

~~State~~

~~Zip Code~~

Debraccio

Name (Last, First)

Deputy Superintendent of Programs

Job Title Mid-State Correctional Facility
9005 Old River RD PO BOX 216

Work Address

Marcy

New York

13403-0216

City

State

Zip Code

Ms. Laforest

Defendant No. 12

Name (Last, First)

Nurse

Job Title Mid-State Correctional Facility
9005 Old River RD PO BOX 216

Work Address

Marcy

New York

13403-0216

City

State

Zip Code

- How each defendant was involved in the conduct you are complaining about

If you were physically injured by the alleged misconduct, describe the nature of your injuries and the medical evaluation and treatment you were provided. You need not cite to case law or statutes or provide legal argument in the Statement of Facts. Use additional sheets of paper if necessary.

(See Attached Documents)

V. STATEMENT OF CLAIM(S)

State briefly and concisely the constitutional and/or statutory basis for each claim you seek to assert and identify the defendant(s) against whom each claim is

ON OR ABOUT OCTOBER 11, 2018, APPROXIMATELY BETWEEN 9:22 P.M. AND 9:45 P.M. AT MID-STATE CORRECTIONAL FACILITY IN THE HOUSING UNIT DORM 4-F AND THE HALLWAY IN [4] FOUR BLDG. I WAS PEPPER SPRAYED SEVERAL TIMES BY CORRECTIONAL OFFICER KATHY L. MULLEN. I WAS ALSO PHYSICALLY MUTILATED, BEAT, HARRASSED, AND DEGRADED BY BEING SPIT UPON BY C.O.'S KATHY L. MULLEN, ROBERT J. SEXTON, ROBERT INGRAHAM, N.CHAPLE, J. BOOTH, AND S. O'DONNELL. C.O. KATHY L. MULLEN ACCUSED ME OF VISITING THE TEN MAN ROOM IN THE 4-F DORM WHERE LOSS OF RECREATION INMATES WERE HELD, I ATTEMPTED TO EXPLAIN TO C.O. MULLEN THAT I WAS JUST PASSING A WRITING PEN TO ANOTHER INMATE. AT THIS TIME C.O. MULLEN TOLD ME SHE WAS WRITING ME UP AND TO GIVE HER MY IDENTIFICATION CARD. I REFUSED BELIEVING I HAD DONE NOTHING WRONG AND TURNED TO WALK AWAY WHEN I WAS GRABBED BY THE BACK OF MY SHIRT BY C.O. MULLEN I DID TRY TO RELEASE HER GRASP ON ME BECAUSE I DID NOT WANT AN UNNECESSARY SITUATION THAT COULD CAUSE ME HARM.

THIS IS WHEN C.O. KATHY L. MULLEN SPRAYED ME MULTIPLE TIMES IN THE FACE WITH PEPPER SPRAY, AND PULLED HER PIN CONTACTING THE EMERGENCY RESPONSE UNIT TO UNIT 4-F. UPON WHICH SEVERAL OFFICERS RESPONDED. MY EYES AND FACE WERE BURNING SO BAD AND I HAD STARTED SCREAMING AND WAVING MY HANDS OUT OF PANIC AND DISTRESS, I WAS THEN HELD IN A UPPERBODY RESTRAINT HOLD, BY CORRECTIONAL OFFICER ROBERT J. SEXTON AND HE SLAMMED MY FACE INTO A BRICK WALL. I FELL TO THE FLOOR IN A POOL OF MY OWN BLOOD. I PUT MY HAND ON MY RIGHT EYE TO PREVENT BLOOD FROM LEAKING ALL OVER. WHILE ON THE FLOOR SCREAMING AND YELLING AND CRYING OUT IN PANIC, CORRECTIONAL OFFICER'S ROBERT INGRAHAM, KATHY L. MULLEN, ROBERT J. SEXTON, AND S. O'DONNELL STARTED SLAPPING ME, SPITTING ON ME, AND KICKING ME WHILE I WAS LAYING ON THE GROUND IN A POOL OF MY OWN BLOOD. HANDCUFFED EXTREMELY TIGHT WITH METAL CUFFS. THESE VERY SAME OFFICERS BEGAN TO HARRASS ME VERBALLY SAYING "SUCK IT UP" SHUT UP FAGGOT" "SHUT UP PUSSY" "NOBODY'S DOING SHIT TO YOU" I STARTED SAYING " I WILL GET AN ATTORNEY TO PROSECUTE YOU RECKLESS, ABUSIVE CORRECTIONAL OFFICERS BECAUSE WHAT YOU ARE DOING IS A CRIME. THESE CORRECTIONAL OFFICERS STARTED SAYING "IF YOU TRY TO SUE US, IT WON'T MATTER", "WE'LL GET AWAY WITH IT", "WE ALWAYS DO", "THIS IS OUR HOUSE

PUSSY”, “WE RUN THIS SHOW”. THEN CORRECTIONAL OFFICER INGRAHAM, AND OFFICER S. O’DONNELL LIFTED ME UP BY THE METAL HANDCUFFS, I STARTED SCREAMING FROM THE PAIN IN MY WRIST SINCE THE HANDCUFFS WERE DELIBERATELY PUT ON EXTRA TIGHT. I WAS THEN THROWN INTO A DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION VAN, C.O INGRAHAM WAS PRESENT IN THE BACK OF THE VAN WITH ME AND STARTED SLAPPING ME IN THE FACE WHILE CALLING ME A “PUSSY BITCH”. C.O. ROBERT INGRAHAM TOOK ME TO THE MEDICAL CLINIC AT MID-STATE CORRECTIONAL FACILITY THAT NIGHT ON OCTOBER 11, 2018, NURSES ATTENDED TO ME , PUTTING MY FACE IN COLD WATER TO WASH THE PEPPER SPRAY OFF MY FACE AND OUT MY EYES. AND THEY TRIED TO STOP THE BLEEDING TO MY RIGHT EYE, EXAMINED ALL THE CUTS AND BRUISES ALL OVER MY FEET, KNEES, LIP, NECK, BACK, AND FACE. NURSES AT MID-STATE CORRECTIONAL FACILITY THAT NIGHT OF OCTOBER 11, 2018, CALLED THE LIEUTENANTS AND SEARGANTS ON SHIFT, INCLUDING LT. KUZMACK WHO TOOK PICTURES OF MY INJURIES SUSTAINED AFTER I WAS BEAT UP AND MUTILATED BY THESE OFFICERS. WITH A DIGITAL CAMERA, FOR FACILITY INMATE RECORDS THAT GO IN MY FILES. NURSES DEMANDED THAT I BE IMMEDIATELY TRANSFERRED TO THE MOHAWK VALLEY EMERGENCY ROOM, TO RECEIVE STICHES TO MY RIGHT EYE, IT TOOK 7 STICHES TO CLOSE THE WOUND AND TO STOP THE BLEEDING. I HAVE A VIVID MEMORY OF LIEUTENANT KUZMACK SAYING TO ME “YOUR LUCKY TO BE ALIVE” “IF YOU WERE NOT A INMATE WITH MENTAL HEALTH PROBLEMS, YOU WOULD BE DEAD”.

I HAVE A WITNESS WHOM WOULD GIVE YOU A SIGNED AND NOTARIZED AFFIDAVIT AS TO THE EVENTS THAT HAPPENED UP TO THE POINT WHERE I WAS DRAGGED OUT OF 4-F HOUSING UNIT ON THE NIGHT OF THE INCIDENT IN WHICH THE EXCESSIVE FORCE AND ASSUALT TOOK PLACE BY THE CORRECTIONAL OFFICERS AT MID-STATE CORRECTIONAL FACILITY. HIS NAME IS INMATE FLORES

CORRECTIONAL OFFICER KATHY L. MULLEN WAS ARRESTED BY THE ONIEDA STATE TROOPERS FOR HER ACTIONS AND MISCONDUCT REGARDING THE INCIDENT THAT OCCURRED ON OCTOBER 11, 2018. ALL C.O’S FAILED TO INTERVENE & USED EXCESSIVE FORCE AGAINST ME.\ EXCESSIVE FORCE—THE 8TH AMENDMENT PROHIBITS AGAINST CRUEL & UNUSUAL PUNISHMENT ENCOMPASSES THE USE OF EXCESSIVE FORCE AGAINST AN INMATE. I DERICK TEAQUE AT MID-STATE CORRECTIONAL FACILITY

ON OCTOBER 11, 2018 AT 9:22 P.M. WHO CAN PROVE SEVERAL COMPONENTS : (1) SUBJECTIVELY, THAT ALL MID-STATE STAFF AND PERSONNEL NAMED IN THIS 1983 SUIT, ACTED WANTONLY, HAD A MOTIVE & AGENDA, & IN BAD FAITH, AS WELL AS OBJECTIVELY, ALL DEFENDANTS ACTIONS VIOLATED CONTEMPORARY STANDARDS OF DECENCY, IN REGARD, WHILE A USE OF FORCE WILL RARELY SUFFICE TO STATE A CONSTITUTIONAL CLAIM THESE OFFICERS ACTED MALICIOUSLY AND USED FORCE TO CAUSE HARM WHICH CONSTITUTES A VIOLATION OF MY 8TH AMENDMENT RIGHT, (FOR INSTANCE) “CONTEMPORARY STANDARDS OF DECENCY ARE ALWAYS VIOLATED, THE KEY INQUIRY INTO A CLAIM OF EXCESSIVE FORCE IS “WEATHER FORCE WAS APPLIED IN A GOOD-FAITH EFFORT TO MAINTAIN OR RESTORE DISCIPLINE, OR MALICIOUSLY AND SADISTICALLY TO CAUSE HARM INTENTIONALLY (WHICH IS WHAT THESE OFFICERS AT MID-STATE CORRECTIONAL FACILITY DID, AND HAD INTENT TO DO). SUPREME COURT CASES HAS EMPHASIZED THAT THE NATURE OF THE FORCE APPLIED IS THE CORE JUDICIAL INQUIRY IN EXCESSIVE FORCE CASES – NOTWEATHER A CERTAIN QUANTUM OF INJURY WAS SUSTAINED

“DELIBERATE INDIFFERENCE” IN CONTEXT OF 8TH AMENDMENT MEDICAL CLAIM, IS EQUIVALENT TO SUBJECTIVE RECKLESSNESS—IT IS ALSO UNDER THE 8TH AMENDMENT IF AN OFFICIAL(MID-STATE STAFF AND CORRECTION OFFICERS, MEDICAL, AND CIVILIANS) KNOWS OF AND DISREGARDS AN EXCESSIVE RISK TO A INMATES (MYSELF INCLUDED) HEALTH AND/OR SAFETY (D. TEAQUE) THE OFFICIAL MUST BOTH BE AWARE OF FACTS FROM WHICH THE INFERENCE COULD BE DRAWN THAT A SUBSTANTIAL RISK OF SERIOUS HARM EXISTS, SOMEONE SHOULD HAVE STEPPED UP AND SAID THAT’S ENOUGH, YET NO ONE DID ANYTHING EXCEPT TRY TO COVER IT UP AND LYING TO SAVE ONE ANOTHER...OTHERS HAVE LOSS THEIR LIVES DUE TO THE ACTIONS OF CORRECTIONAL OFFICERS AND THE LACK OF JUDICIAL INTERVENTION THEY FEEL ABOVE THE LAW, AND CHALK BEATINGS AND EXCESSIVE FORCE AS A PART OF MAINTAINING THE SAFETY AND SECURITY OF THE FACILITIES THAT THEY RUN, WITHOUT THE PROPER SUPERVISION OF THE HIGHER UPS IN ALBANY. THE STAFF AND CORRECTIONAL OFFICERS SEEM TO RUN UNDER THEIR OWN LAWS AND STANDARDS WHICH IS UNFAIR TO AN INDIVIDUAL WHOM HAS ALREADY BEEN SENTENCED AND AM DOING MY TIME WAITING TO BE RELEASED AGAIN BACK INTO SOCIETY NOT TO BE SUBJECTED TO BRUTALITY AND ATTACKS FROM STAFF, JUST BECAUSE THEY FEEL PRIVILEGED AND

HAVE SOME SORT OF IMMUNITY FROM PROSECUTION.

DUE TO THE ATTACK MADE BY THESE OFFICERS I AM CURRENTLY SUFFERING FROM (P.T.S.D.) POST TRAMATIC STRESS DISORDER, DEPRESSION, DIZZYNESS, FAINTNESS, EMOTIONAL DISTRESS, ANXIETY, HEADACHES, PARONIA, AND JOINT PAIN TO MY ANKLES, BACK, AND KNEES EVEN TO THIS DAY, THESE ABUSIVE , CORRUPTED, VIOLENT, AGGRESSIVE CORRECTIONAL OFFICERS MUTILATED ME, THEY PUT ME IN A DANGEROUS SITUATION AND STATE OF MIND AND THEY NEED TO BE HELD ACCOUNTABLE FOR THEIR ACTIONS AND FAILING TO INTERVENE AND USING EXCESSIVE FORCE WHEN I HAD ALREADY BEEN SUDUED BY RESTRAINTS AS WELL AS PEPPER SPRAY.ANY FURTHER ACTIONS TAKEN BY THE CORRECTIONAL STAFF BECOMES EXCESSIVE AND ABUSIVE

I WAS GRANTED ACCESS THROUGH "F.O.I.L" "FREEDOM OF INFORMATION LAW" OF THE PHOTOS THAT WERE TAKEN OF MY INJURIES THAT NIGHT ON OCT. 11. 2018, I AM WILLING TO SEND THESE GRUESOME PHOTO'S AS "PROOF" THAT THESE CORRECTIONAL OFFICERS DID IN FACT USE EXCESSIVE FORCE AGAINST ME ON THE THE NIGHT OF OCT. 11 2018, TO THE UNITED STATES DISTRICT COURT OF THE NORTHERN DISTRICT.

I AM CURRENTLY TAKING PSYCHOTROPIC ANTI- PSYCHOTIC MEDICATIONS SUCH AS ZYPREXA & CELEXA FOR DEPRESSION, ANXIETY, POST TRAMATIC STRESS DISORDER AND I AM PRESCRIBED PAIN KILLERS AND MUSCLE RELAXERS SUCH AS NAPROXEN AND IBUPROFEN 500 MG, FOR CHRONIC JOINT PAIN TO BOTH MY ANKLES, AS WELL AS PAIN TO BOTH MY KNEES ALONG WITH SEVERE AND CHRONIC HEADACHES [BORDERLINE MIGRAINE]. I SUFFER FROM ALL THESE SYMPTOMS EVER SINCE I WAS ATTACKED AND BEATING AND ABUSED HARRASSED AND ASSUALTED BY THE CORRECTIONAL OFFICERS AT MID- STATE CORRECTIONAL FACILITY, WHOM SHOULD HAVE FOLLOWED THE THREE C'S RULE OF "CARE" "CUSTODY" AND "CONTROL". IN WITCH NONE OF THE ABOVE WERE A FACTOR IN THE ATTACK HENCE ALL DECENCY FOR ANOTHER HUMAN BEING WAS DISREGARDED AS THEY TOOK ACTION WITH MALICE AND INTENT TO DO BODILY HARM IF NOT WORSE, SINCE ONE CANNOT KNOW PRECISELY WHAT MAY OCCUR DURING SUCH ENGAGEMENTS OF ASSUALT, WHICH ULTIMATELY COULD HAVE LED TO DEATH. I AM A INMATE WHO SUFFERS FROM MENTAL ILLNESS, AND I HONESTLY AM "SHELL SHOCKED AND VERY PARONOID TO THIS DAY WHILE I AM A INMATE

HERE IN THE DEPARTMENT OF CORRECTIONS DUE TO THE FACT I WAS A VICTIM OF A VICIOUS ATTACK FROM THOSE WHO ARE MEANT TO LOOK AFTER AND PROTECT ME FROM HARM. I HAVE BEEN TAUNTED BY INMATES AS WELL AS OFFICERS , ORC COUNSELORS THESE WHOLE SIXTY-ONE MONTHS I'VE BEEN INCARCERATED. OFFICERS WHO DIDN'T LIKE ME WOULD LOOK UP MY CASE ON THE DOCCS WEBSITE AND ENDANGER ME BY TELLING OTHER INMATES MY CHARGES THEY WOULD CALL ME "BABY SHAKER" AND "CHILD ABUSER" I WOULD BE SUBJECTED TO ASSUALTS FROM THE INMATES AROUND ME AND NOT ABLE TO FEEL SAFE AT ALL ANYWHERE I WENT, I'VE BEEN ABUSED SEVERAL TIMES AND ALMOST SEXUALLY MOLESTED BY INMATES BECAUSE I CAN'T ADJUST TO PRISON LIFE. I SHOULD NOT BE PUT IN DANGER BY ANY STAFF MEMBER [CORRECTIONAL OFFICERS] IN THE DEPARTMENT I AM BEING HELD IN ANY WAY, SHAPE , OR FASHION.

I WAS NOT IN ANY WAY THREATING OR ACTED IN A RECKLESS MANNER PRIOR TO THE ATTACK OTHER THEN SIMPLY DENY KATHY L. MULLEN MY IDENTIFICATION CARD WHEN IT WAS ASKED FOR SINCE SHE WAS GOING TO WRITE ME A DISCIPLINARY TICKET FOR NO REASON OTHER THAN BECAUSE SHE COULD. IT WAS LIKE THIS WHOLE SITUATION WAS PRE-PLANNED AS TO HOW EVERYTHING WENT DOWN SO FAST I DIDN'T HAVE TIME TO COMPREHEND EXACLY WHY IT WAS EVEN HAPPENING, I DEFINITLY COULDN'T STOP IT ONCE IT STARTED CAUSE THE MORE I REACTED THE WORSE THE BEATING GOT AND IF I TRIED TO TALK I WAS SLAPPED AND BEAT SOME MORE THE WHOLE TIME MY EYES WERE ON FIRE, FACE WAS BURNING HORRIBLY AND I WAS CHOKING AND GAGGING FROM THE ADMINISTRATION OF SO MUCH PEPPER SPRAY AFTER BEING THROWN INTO THE BRICK WALL ALL I REMEMBER IS BEING SLAPPED, KICKED, AND PUNCHED AS WELL AS BEING VERBALLY ASSUALTED [WHILE BEING PYSICALLY ASSUALTED] THESE MEDIUM FACILITIES HERE IN THE NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION DO NOT HAVE CAMERAS IN THE DORMS IF IT HAD THE FOOTAGE COULD HAVE BEEN OBTAINED AND THIS COURT COULD SEE FIRST HAND THE BRUTALITY I ENDURED AS A INMATE AT MID-STATE CORRECTIONAL FACILITY, THIS IS PARTIALLY THE REASON WHY THESE CORRECTIONAL OFFICERS BELIEVE THEY CAN GET AWAY WITH DOING AS THEY PLEASE WITH NO THROUGH INVESTIGATIONS INTO THE CLAIMS SET FORTH BY INMATES AS A WHOLE. WITHOUT CAMERAS THE PROBLEM WILL CONTINUE TO EXIST MAKING IT HARDER TO PROVE THE MATTER AT HAND. MATTERS THAT SHOULD

BE LOOKED INTO BY OUR GOVERNOR AND ATTORNEY GENERAL WHO IF THEY COULD TOUR THE PRISONS OR OBSERVE THE GOING ONS ON A DAILY BASIS THEY WOULD DISCOVER THAT THERE IS NOTICABLE BRUTALITY FROM THESE OFFICERS ALMOST ON A DAILY BASIS AND WHEN PEOPLE TRY TO REPORT IT IT FALLS ON DEAF EARS OR FEAR FROM BEING RETALIATED AGAINST, I AM TRAMATIZED FROM ALL THE ABUSE FROM THE CORRECTIONAL OFFICERS ALL THE WAY DOWN TO THE INMATES WHOM ARE DIRECTED BY THE GAURDS TO DO ME HARM WHICH IS AN ABUSE OF POWER AND A CONTRL ISSUE THAT OUTWEIGHS THE ACTUAL CONTROL NEEDED TO RUN A CORRECTIONAL FACILITY. THE UNPROFESSIONALISM BY THE CORRECTIONAL EMPLOYEES AS A WHOLE.

THE NURSE WHOM ATTENDED TO ME THAT NIGHT AND EXAMINED MY INJURIES AFTER THE ASSUALT AND ABUSE/ EXCESSIVE FORCE BY THE OFFICERS AT MID-STATE CORRECTIONAL FACILITY DOCUMENTATED AS FOLLOWS:

PART -B, PHYSICAL EXAMINATION TREATMENT REPORT

- LACERATION LATERAL RIGHT EYEBROW.
- ABRASION LEFT KNEE.
- [3] THREE ABRASIONS LEFT FOOT.
- ABRASION LEFT HAND 4TH AND 5TH KNUCKLES.
- ABRASIONS IN MID AND LEFT BACK AREAS.
- BRUISING IN RIGHT MANDIBLE.
- REDNESS TO RIGHT OTTER EAR.

I HAVE FILED A GRIEVANCE TO RECEIVE A DISPOSITION AND RENDER A DECISION ON GRIEVANCE # MS-23743-18 ALL DOCUMENTS PERTAINING TO # MS-23743-18 AND INCIDENT THAT OCCURRED ON OCTOBER 11, 2018. AT 9:22 P.M. WERE TAMPERED WITH, REDACTED, AND MOST OF THE REPORTS WERE HIGHLIGHTED AND MARKED OFF IN PERMANENT BLACK MARKER, WHICH IS A RED-FLAG AND IT IS LIKELY THAT DOCCS , THE ATTORNEY GENERAL OF THE STATE OF NEW YORK, AND THE ASSISTANT ATTORNEY GENERAL OF THE STATE OF NEW YORK, JORGE A. RODRIGUEZ-[COUNSEL]--- IS TRYING TO HIDE SOMETHING THAT WAS STATED IN THE REPORTS REGARDING SAID GRIEVANCE AND THE INCIDENT AS A WHOLE, AS THERE WAS NO SUPERVISORY REVIEW THAT STATED THERE WAS ABSOLUTELY NO VIDEO FOOTAGE OF THE INCIDENT, AND THERE WAS NO VIDEO FOOTAGE REVIEW OF THE INCIDENT REPORTED BY SERGEANT BOOTH, AND LEUTENANT HOKE, THERE WAS A REVIEW

AND EVALUATION BY THE SUPERINTENDENT THAT STATED EXCESSIVE FORCE WAS APPLIED ON INMATE TEAQUE, CHEMICAL AGENT WAS APPLIED, AND A FALSE ALLEGATION THAT IT APPEARS TO HAVE BEEN NECESSARY AND APPROPRIATE TO HAVE EXCESSIVE FORCE APPLIED TO GAIN COMPLIANCE WITH STAFF DIRECTION, AS AN ALTERNATIVE TO PHYSICAL FORCE.

PHYSICAL AND EXCESSIVE FORCE SHOULD NEVER BE NECESSARY WHEN DEALING WITH AN INMATE IN A CORRECTIONAL FACILITY IN NEW YORK STATE OR ANYWHERE IN THE UNITED STATES OF AMERICA WHERE WE ARE SUPPOSE TO BE PROTECTED NOT BRUTALIZED, MY HEALTH AND CARE WAS IN GRAVE JEAPARDY DUE TO THE UNPROFESSIONALISM IF THESE CORRECTIONAL OFFICERS WHICH LEADS ME TO BELIEVE THAT THEY INTENDED TO CAUSE ME HARM IF NOT WORSE AND THEY HAVE NO WORRIE SINCE NOTHING EVER BECOMES OF THEIR ACTIONS AND THEY GET AWAY WITH IT ONLY TO BRUTALIZE AND ABUSE OTHERS WITH NO CONSEQUENCES THEY REALLY DO BELIEVE THEY ABOVE THE LAW AND TO BE HONEST FROM WHAT I WENT THROUGH AND HAVE WITNESSED WITH MY OWN EYES THEY ARE BECAUSE IT CONTINUES TO HAPPEN OVER AND OVER AND OVER AGAIN.

THE DEFENDANTS NAMED IN THIS AMENDED COMPLAINT RETALIATED AGAINST ME BY FILING A FALSE MISBEHAVIOR REPORT, PLAYING A DIRECT ROLE IN REDACTING DOCUMENTS PERTAINING TO THE EXCESSIVE FORCE & FAILURE TO PROTECT AND /OR INTERVENE INCIDENT THAT OCCURRED ON OCTOBER 11TH 2018 AND COVERING UP THE ENTIRE INCIDENT THAT PUT MY PHYSICAL AND MENTAL HEALTH AT SERIOUS RISK.

I WAS TRANSFERRED TO COLLINS CORRECTIONAL FACILITY WHERE THE COVER UP CONTINUED I WAS SEEN BY SGT. D. KELLER ON JANUARY 31 2019. AND HE PLAYED A PART OF NOT INTERVENING WHEN HE DID NOT DO A THOUGH INVESTIGATION AGAINST THE INCIDENT THAT HAD HAPPENED AT MID-STATE CORRECTIONAL FACILITY AND BASICALLY TOOK THE WORD OF HIS BROTHERS IN BLUE OVER A LOW LIFE [AS SEEN IN THEIR EYES] SCUM OF AN INMATE. AND WHILE I WAS UNDER EXTREME STRESS, DURESS, MENTAL EXHAUSTION, AND TRAMATIZED FROM BEING A VICTIM OF A VICIOUS ATTACK I WAS ALSO THROWN INTO THE BOX "SHU" FOR A PERIOD OF 108 DAYS AND THEN BEING HANDCUFFED FOR HOURS ON A NEW YORK STATE PRISON TRANSPORT BUS SHACKLED, NO FOOD, NO WATER, TRAVELING ALL THE WAY ACROSS NEW YORK STATE FOR 4 DAYS.

OFFICERS NAMED AS DEFENDENTS IN THIS CLAIM INTENTIONALLY DISREGARDED MY SAFETY AND MY HEALTH.

I SPOKE WITH AND WARNED MENTAL HEALTH STAFF THAT "I DID NOT FEEL SAFE , AND THAT I DID NOT TRUST THE OFFICERS NOR STAFF AFTER WHAT HAD HAPPENED THAT I WAS SCARED THAT AT ANY TIME IT COULD AND WOULD HAPPEN TO ME AGAIN JUST BECAUSE THEY CAN. MENTAL HEALTH STAFF TOLD ME THAT I EXAGERRATE A LOT, WHICH CONSTITUTES NOTHING LESS THAN CONSCIOUS DISREGARD FOR THE STATE I WAS IN AND BELIEVE THEY ONLY DO WHAT THE OFFICERS SAY AND NOT ACTUALLY THERE TO LISTEN AND HELP ME AS THEY SHOULD HAVE AND I FEEL MY FIFTH AMENDMENT RIGHT WAS VIOLATED AS AN INMATE WITH WELL RECORDED MENTAL HEALTH HISTORY AND ISSUES ESPECIALLY WHEN THE MENTAL HEALTH STAFF THEMSELVES WERE DELIBERATELY INDIFFERENT TO MY STATE OF MIND OR HEALTH AT ANY TIME. THE CORRECTIONAL OFFICERS RETALIATED AGAINST ME BECAUSE OF MY CHARGE, WHICH IS A DIRECT VIOLATION OF MY FIRST AMENDMENT RIGHTS.

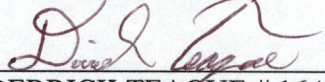
I AM A BI-RACIAL INDIVIDUAL WITH EUROPEAN DISCENT, WITH A HISTORY OF SERIOUS MENTAL HEALTH ILLNESSES. MID-STATE CORRECTIONAL STAFF AND CIVILIANS VIOLATED THE EQUAL PROTECTION CLAUSE, BY DISCRIMINATING AGAINST ME, LOOKING UP MY CASE AND SHARING SAID INFORMATION WITH OTHER INMATRES TO PUT ME IN HARMS WAY, AS WELL AS ALL STAFF WHOM WORKED FOR AND AT MID-STATE CORRECTIONAL FACILITY. IT IS MY FIRM BELIEF THAT OFFICER KATHY L. MULLEN, OFFICER ROBERT INGRAHAM, OFFICER R.J. SEXTON, OFFICER S. O'DONNELL, CAPTAIN M. SPINA, SUPERINTENDENT L. JONES O/D ACTING DEPUTY SUPERINTENDENT OF PROGRAMS DEBRACCIO, NURSE LAFOREST, AND LEUTENANT HOKE, ALL WHOM WORKED AT MID-STATE CORRECTIONAL FACILITY DID HAVE AN AGENDA TO DO HARM TO ME KNOWING I HAD MENTAL HEALTH ISSUES , AND THAT I HAVE A DIFFICULT TIME ADJUSTING TO PRISON LIFE, NOW EVEN MORE SO AFTER THE EXCESSIVE FORCE AND BRUTAL ATTACK THESE OFFICERS DID TO ME AT MID-STATE CORRECTIONAL FACILITY I ALSO BELIEVE THAT IT WAS RACIALLY MOTIVATED AND FUELED BY UNPROFESSIONALISM WHEN THEY FOUND OUT WHAT I WAS IN PRISON FOR CREATING A HAZARDOUS ENVIRONMENT FOR ME WITH BOTH STAFF AND INMATES.

I INMATE DEREK TEAQUE HEREBY SWEAR THAT ALL CORRECTIONAL STAFF NAMED IN THIS 1983 CIVIL SUIT, AND WORKED AT MID-STATE CORRECTIONAL FACILITY WAS PERSONALLY INVOLVED IN THE UNCONSTITUTIONAL BEHAVIOR AND WERE GROSSLY NEGLIGENT IN PREVENTING EXCESSIVE FORCE AND FAILURE TO PROTECT ME FROM HARM EVEN AMOUNGST THEMSELVES BEING SOMEONE SHOULD HAVE HAD

THE COMMON DECENCY TO STEP IN AND STOP THE ABUSE OF POWER TAKING PLACE THAT EVENING OF OCTOBER 11 2018, YET FOR SOME REASON NOONE DID, AND "IMPLICITY CREATED AND/OR ALLOWED AN INFORMAL POLICY AND/OR CUSTUM WHERBY THE [VIOLATIVE] ACTIONS WERE ALLOWED TO HAPPEN TO MYSELF AND OTHERS AT MID-STATE.

MY HEARING WAS ALSO BIAS AS TO THE FACT THEY WERE STILL COVERING UP THE ACTIONS OF THE OFFICERS WHO WAS INVOLVED IN THE BRUTAL ATTACK AGAINST ME, I WAS BEATING SLAPPED, KICKED, SPIT ON, AND THROWN INTO A BRICK WALL FACE FIRST BY OFFICER R. SEXTON # UI-180214, UOF-180095, FOR NO REASON WHATSOEVER. I FEEL I WAS TARGETED AND ATTACKED BY THESE OFFICERS WHO HAD AN OBVIOUS AGENDA THEY MADE TRUE ON. THE HEARING OFFICER [DSP] DEPUTY SUPERINTENDENT D. KINDERMAN DENIED ME THE RIGHT TO HAVE THE PHOTOS OF MY INJURIES OBTAINED ON MY BEHALF I WAS ALSO DENIED THE OPPORTUNITY TO PRESENT EVIDENCE FOR MY DEFENSE AND WAS OF COURSE FOUND GUILTY AND SENTENCED TO [SHU] SPECIAL HOUSING UNIT TIME AND DID 108 DAYS I PRAY THAT ALL EVIDENCE I HAVE TO SHOW TO THIS COURT WILL SUFFICE AND PROVE THAT WHAT I HAVE SAID TO BE ABSOLUTELY CORRECT AND TRUE AND SWEAR UNDER THE PENALTY OF PERJURY THAT ALL IS TRUE AND CORRECT TO THE BEST OF MY RECOLLECTION OF THE EVENTS THAT TOOK PLACE ON THE EVENING OF OCTOBER, 11 2018.

RESPECTFULLY,


DERRICK TEAQUE # 16A2967

asserted. Commonly asserted claims include: excessive force; failure to protect; deliberate indifference to medical needs; unconstitutional conditions of confinement; denial of due process in a disciplinary or other proceeding; denial of equal protection; retaliation for the exercise of a First Amendment right; and interference with free exercise of religion. Legal argument and case citations are not required. Use additional sheets of paper if necessary.

FIRST CLAIM

Excessive Force- Officers beat me , slapped, spit, kicked,
and threw me into a brick wall, all while being handcuffed
and pepper sprayed, once subdued by restraints and spray force
should have stopped...it did not.

SECOND CLAIM

Failure to Protect- Officers took it upon themselves to place
my life in danger when they did allow other inmates and staff
abuse me and took no action.

THIRD CLAIM

Deliberate Indifference- Officers and Staff were advised of the
situation- even witnessed the vicious beating and did not step
in to prevent injury nor stop others from going beyond the
lines of decency and treated me as an animal.

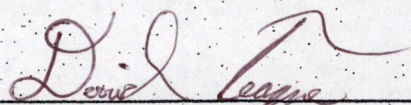
VI. RELIEF REQUESTED

State briefly what relief you are seeking in this case.

That all parties involved be Disciplined and charged with thier
part in my attack---Monetary Damages \$ 850.000.00.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: _____



Plaintiff's signature
(All plaintiffs must sign the complaint)